

SENATE BILL REPORT

SHB 1086

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, March 28, 2017

Title: An act relating to promoting the completion of environmental impact statements within two years.

Brief Description: Promoting the completion of environmental impact statements within two years.

Sponsors: House Committee on Environment (originally sponsored by Representatives Blake, J. Walsh, Springer, Wilcox and Hargrove).

Brief History: Passed House: 3/02/17, 98-0.

Committee Activity: Energy, Environment & Telecommunications: 3/14/17, 3/28/17 [DPA].

Brief Summary of Amended Bill

- Promotes completing environmental impact statements (EIS) within 24 months.
- Requires lead agencies to report to the Legislature when an EIS takes longer than 24 months.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

Staff: Kelsey Morfitt (786-7407)

Background: The State Environmental Policy Act (SEPA) applies to decisions made by state and local agencies, including counties, cities, ports, and special districts. SEPA provides a framework to consider the environmental consequences of a proposed project prior to taking action on the proposal.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The SEPA process begins with a permit application or an agency proposal. For most proposals, one agency is designated as the lead agency.

The environmental review process involves a project applicant completing an environmental checklist to identify and evaluate probable environmental impacts, and to develop mitigation measures that will reduce adverse environmental impacts. The lead agency reviews this checklist to determine whether the proposal is likely to have a significant adverse environmental impact.

Next, the lead agency makes an environmental threshold determination on the significance of the environmental impact. This can be a determination of nonsignificance, a mitigated determination of nonsignificance, or a determination of significance. A determination of significance requires an EIS.

Unless an exemption applies, local governments and state agencies must prepare an EIS for major actions that significantly affect the quality of the environment. The EIS must include detailed information about the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided if the proposal is implemented, and alternatives, including mitigation, to the proposed action.

Summary of Amended Bill: The Legislature finds that the state should promote timely completion of the SEPA process. A lead agency should aspire to complete each EIS within 24 months, if not sooner.

If a lead agency takes more than 24 months to complete an EIS, the lead agency must submit a brief report to the Legislature explaining why the EIS is late, when the agency will complete the EIS, and a plan of action to prevent future tardiness. A lead agency is not subject to civil liability due to a late EIS.

A lead agency does not need to meet the 24-month aspirational timeline if the lead agency and a project proponent agree that the agency does not need to complete the EIS within 24 months. The lead agency does not need to complete a legislative report in these instances.

EFFECT OF ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE AMENDMENT(S):

- Replaces lead agencies' reporting requirement with a biennial report to the Legislature from the Department of Ecology.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: No one.